

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys



OFFICE OF CITY ATTORNEY

800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD (414) 286-2025
FAX (414) 286-8550

December 16, 2003

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

Re: Communication from Attorney William R. Rettko, Rettko Law Office, S.C.
for legal fees for Police Officer Scott Beaver; C.I. File No. 02-S-333

Dear Council Members:

Returned herewith is a document filed by Attorney William R. Rettko for attorney's fees for representing Police Officer Scott Beaver. The claim is in the amount of \$906.86, however the time billed is at the rate of \$150.00 per hour and counsel has included amounts for mileage. We have explained to counsel that the City has only authorized payment at the rate of \$110 per hour, and does not pay mileage, and so the corrected amount of the claim is \$657.00 including \$8.00 in disbursements for 5.90 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by a criminal investigation. No criminal charges were brought against the Police Officer on whose behalf this claim was filed.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Sec. 895.35, Stats., *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm
Enc.

2276

Vol VI Pg 16 I 140

CITY OF MILWAUKEE

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Deputy City Attorney

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MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

October 14, 2002

Commander Steven Settingsgaard
Milwaukee Police Dept., Internal Affairs Div.
6680 North Teutonia Avenue, Rm 325
Milwaukee, WI 53209

Re: C.I. File No. 02-S-333
Communication from RETTKO LAW OFFICES

Dear Commander Settingsgaard:

Enclosed please find a claim filed by attorney William R. Rettko for attorney fees incurred during his representation of officer Scott Beaver.

Please determine whether this officer was in fact involved in the matter described in Mr. Rettko's claim, and have this officer verify Mr. Rettko's representation. Thank you for your anticipated cooperation in this matter.

Very truly yours,

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
5091

RECEIVED
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION
02 OCT 23 PM 12:38

12/15/03

O.K. for \$657. only

JAS

Letter 2276

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

OCTOBER 23, 2002

TO: P.O. SCOTT BEAVER
SOB CYCLE

RE: Receipt of Legal Services from Law Firm of
Attorney

Attorney WILLIAM RETTKO has made a claim with the City,
indicating the attached was provided with legal services arising out
of one of the following situations:

- 1) An incident occurring on SEPTEMBER 3, 2002
- 2) A citizen's complaint made by BULMARO REYES-DELGADO
- 3) A police shooting incident occurring on SEPTEMBER 3, 2002

Is this information correct?

YES X NO

Did you receive legal representation
in this matter?

YES X NO

Your signature: PO Scott A. Beaver

Print your name: PO Scott A. Beaver

Upon completion, please return this memorandum to the Internal
Affairs Division at the Police Academy (Room 325) as soon as possible.

Sts. Settinggaard
STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

SMS:kjs

RETTKO LAW OFFICES, S.C.

William R. Rettko
Attorney

150 N. Sunny Slope Road, Suite 340 • Brookfield, Wisconsin 53005-4816
Telephone: (262) 782-8840 • Facsimile: (262) 782-5010
E-Mail: bill@rettkolaw.com

Kristine L. Eastman
Legal Assistant

October 8, 2002

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

Re: MPD Criminal Investigation of PO Scott Beaver
Allegations Regarding Bulmaro Reyes-Delgado
Date of Incident: September 3, 2002
Location of Incident: 1738 S. 11th Street

Dear Mr. Leonhardt:

The above-named police officer, Scott Beaver, retained us to represent him in connection with the above-referenced matter. Consistent with its policy, the City Attorney's Office refused to represent him, and as he was performing the duties of his office at the time of the events giving rise to the incident, the claim is hereby made on Police Officer Scott Beaver's behalf for the indicated legal fees. This incident involved Bulmaro Reyes-Delgado's discharge of a shotgun at Police Officer Scott Beaver in the course of Police Officer Scott Beaver's duties and assignments with the Milwaukee Police Department in which Officer Beaver returned Mr. Reyes-Delgado's gunfire.

The MPD initiated a criminal investigation in which Officer Beaver initially declined to give a statement without counsel. When he requested counsel, I was present and he gave his statement to Milwaukee Police Department Detective Timothy Duffy in the presence of Lt. of Detectives David Zibolski. From that date, Officer Beaver was summoned to appear in front of Assistant District Attorney Rayann Chandler Szychlinski to give a statement on September 5, 2002, which statement was followed by a statement given to Deputy District Attorney Carol White. During both of these statements, I was present with Police Officer Beaver at his request as both the Assistant District Attorney and Deputy District Attorney had questions concerning Police Officer Beaver's discharge of his weapon against Mr. Reyes-Delgado on September 3, 2002. For your reference, I am enclosing a copy of a letter sent by Deputy District Attorney Carol White to me which shows that she sent a letter to City of Milwaukee Police Chief Arthur Jones in which her office determined that Officer Beaver's actions of September 3, 2002 were privileged and therefore would not be prosecutable by the District Attorney's Office. As you can see, Police

CITY OF MILWAUKEE
2002 OCT -9 PM 1:06
RONALD D. LEONHARDT
CITY CLERK

CITY OF MILWAUKEE
2002 OCT -9 PM 4:00
RETTKO LAW OFFICES
CITY ATTORNEY

Mr. Ronald Leonhardt
October 8, 2002
Page 2

Officer Beaver was under investigation for potential criminal charges for the discharge of his weapon and it was found that he lawfully did so. Nonetheless, his request for my representation was warranted under these circumstances and I am submitting my bill for services rendered along with Deputy District Attorney's White's letter to me indicating that her office did not find any prosecutable merit against Officer Beaver.

If you need any additional information in order to consider the enclosed bill and payment of the same, please contact me.

Very truly yours,

RETTKO LAW OFFICES, S.C.

A handwritten signature in black ink, appearing to read "William R. Rettko", written in a cursive style.

William R. Rettko

WRR:kle
Enclosures

cc: Atty. Jan Smokowicz (w/enc.)

RETTKO LAW OFFICES, S.C.
150 N. Sunny Slope Road, Ste. 340
Brookfield, WI 53005-4816

Scott Beaver

Page: 1
09/30/02
Account No: 57-000M
Statement No: 674

Shooting Incident of 9/3/02

Fees

	Hours	
09/03/02 Attend Officer Beaver's statement to CIB Re: duty related shooting.	2.50	375.00
09/05/02 Attend conference with Officer Beaver and Assistant District Attorney Szychlinski; attend conference with Officer Beaver and Deputy District Attorney White.	3.20	480.00
09/12/02 Correspondence to Officer Beaver Re: Deputy District Attorney's letter to Chief Jones.	0.20	30.00
For Current Services Rendered	5.90	885.00

Expenses

09/03/02 Mileage to/from - Police Administration Building	O.K. for	6.93	
09/05/02 Mileage to/from - District Attorney's Office	\$6.49	6.93	
09/05/02 Parking - District Attorney's Office	only	8.00	
Total Expenses	(@ 110/hr, not 150)	21.86	
Total Current Work		906.86	
Balance Due		\$906.86	



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

September 9, 2002

William R. Rettko
Attorney at Law
150 North Sunny Slope Road
Suite 340
Brookfield, WI 53005-4816

Dear Mr. Rettko:

Enclosed is a copy of the letter I sent to City of Milwaukee Police Chief Arthur Jones concerning your client, Officer Scott Beaver. As you can see, I determined that Officer Beaver's actions on September 3, 2002, were privileged under section 939.48 of the Wisconsin Statutes.

Very truly yours,

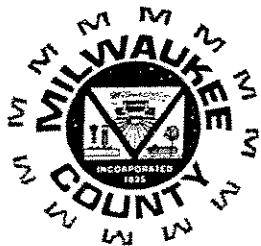
CAROL LYNN WHITE
Deputy District Attorney

CLW:ks

Enclosure

Robert D. Donohoo
Jon N. Reddin
Carol Lynn White
Patrick J. Kenney
James J. Martin

Thomas A. Schulz
Alexander G. Skienarz
William J. Molitor
Donald S. Jackson
Gale G. Shelton
Terry Magowan
Gary D. Mahkorn
David Robles
Deborah Daley
Peg Tarrant
Douglas J. Simpson
Cynthia G. Brown
Norman A. Gahn
Stephanie Gineris Rothstein
Carol E. Stauder
Steven H. Glamm
Mary Anne Smith
Mark S. Williams
Linda Johnson
John M. Slober
Thomas L. Potter
David Feiss
Rayann Chandler Szychins
Elisa Castellon
Carole Manchester
Kenneth R. Berg
Benbow P. Cheesman, Jr.
Lovett Johnson, Jr.
Warren D. Zier
Timothy J. Cotter
Carol Berry Crowley
Steven V. Licata
Brad Vorpahl
Jane Carroll
Paul Tiffin
Miriam S. Falk
Phyllis M. DeCarvalho
Dennis P. Murphy
Christopher Ford
Christine M. Kraus
Phillip A. Anieff
Thomas J. McAdams
Bruce J. Landgraf
Mary K. McCann
Denis J. Stinger
David M. Lerman
Janet C. Protasiewicz
DeAnn L. Heard
Patricia A. McGowan
Irene Parthum
Karen A. Loebel
Nancy Ettenheim
Marcella DePeters
Ronald S. Daguer
Lori S. Kornblum
Karine O'Byrne
Maria Dixon
James W. Frisch
Kurt B. Benkley
James C. Griffin
William P. Pipp
Audrey Skwierawski
Joanne L. Hardtke
John T. Chisholm
Christopher A. Liegel
Megan P. Carmody
Laura A. Crivello
Derek C. Mosley
Shawn Pompe
Brian J. Resler
Karen A. Lynch
Allison M. Ritter
Kevin B. Shomin
Jennifer Rypel
Beth D. Zirgibel
Shannon Carrick
Rebecca F. Dallet
Mark A. Sanders
Paul C. Dedinsky
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Kelly L. Hedge
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Rachael Gossens
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Julius Kim
Patti Wabitsch
Kent L. Lovem
Paul R. Sander
Nelson W. Phillips, III
Bradford J. Logsdon
Patrick J. Farley
Joy Bertrand
Margaret M. Zimmer
Bruce W. Becker
Michael T. Mahoney
Mary M. Sowinski
Kathryn K. Sarner
Jeanette Corbett
Jeffrey P. Greipp
Thomas C. Binger
David Maas
Jeremy L. Resar
Daniel J. Gabler
Sara P. Scullen
Gerise M. Hooks
Brent Nistler
T. Christopher Dee
Katharine Kucharski
Lisa P. Fricker
Robin J. Rosche
Phillip R. Rangsubbsin
Tiffany J. Harris
Daniel R. Humble
Jacob D. Corr
David H. Weber
Joy Hammond
Martin T. Lundquist
Trevor A. Sisk
Andrew J. Maier
Heidi E. Galvan
Nancy A. Noet
Rebecca K. Blemberg
Joan C. Aguado
Stephen W. Sawyer
Elsabeth Mueller
Megan J. Vawter
Grant I. Huebner
Callie Kidder



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

September 9, 2002

Chief Arthur Jones
Milwaukee Police Department
749 West State Street
Milwaukee, WI 53233

Dear Chief Jones:

On September 3, 2002, City of Milwaukee Police Officer Scott Beaver fired his service revolver and slightly injured Bulmaro Reyes-Delgado. This occurred in the 1700 block of South 11th Street, City of Milwaukee. Officer Beaver was on duty and had approached the vehicle Mr. Reyes-Delgado was driving because that vehicle appeared to be having mechanical trouble and it appeared that Mr. Reyes-Delgado was gesturing for assistance. When Officer Beaver approached the vehicle, Mr. Reyes-Delgado discharged a firearm at him and then Officer Beaver returned fire, which caused the graze wound to Mr. Reyes-Delgado. That version of events was given by Officer Beaver, by citizens at the scene, and in the statement of Mr. Reyes-Delgado himself.

Based upon the circumstances surrounding Officer Beaver's use of his firearm, it is clear that Officer Beaver's actions were privileged in the exercise of self-defense under section 939.48 of the Wisconsin Statutes.

Very truly yours,

A handwritten signature in cursive script, reading "Carol Lynn White".

CAROL LYNN WHITE
Deputy District Attorney

CLW:ks

Robert D. Donohoo
Jon N. Reddin
Carol Lynn White
Patrick J. Kenney
James J. Martin

Thomas A. Schutz
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Stephen W. Sawyer
Elizabeth Mueller
Megan J. Vawter
Grant I. Huebner
Callie Kidder

November 4, 2002

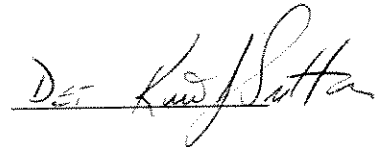
ACA Jan Smokowicz
City Hall, Room 800
Milwaukee, Wisconsin

Sir,

Per your request dated August October 14, 2002, C.I. 02-S-333, I am sending you the officers responses to Attorney Eggert's bill.

Sincerely,

Arthur L. Jones
Chief of Police

A handwritten signature in cursive script, appearing to read "Det. Kurt J. Sutter", written over a horizontal line.

Kurt J. Sutter
Detective
Internal Affairs Division